

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

SERGEY SHESTAKOV,

Defendant.

Case No. 23 Cr. 16 (JHR)

**SUPPLEMENTAL DECLARATION OF RITA M. GLAVIN IN FURTHER SUPPORT  
OF SERGEY SHESTAKOV'S MOTION TO TAKE THE RULE 15 DEPOSITION OF  
EVGENY FOKIN**

I, RITA M. GLAVIN, an attorney admitted to practice before this Court, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am principal of the law firm Glavin PLLC and represent Sergey Shestakov in the above-captioned action.

2. I submit this supplemental declaration in further support of Mr. Shestakov's motion to take the deposition of Evgeny Fokin pursuant to Federal Rule of Criminal Procedure 15.

3. In the Fall of 2024, I had discussions with counsel for En+ regarding Mr. Fokin securing individual counsel to provide him legal advice regarding a Rule 15 deposition because the defense planned to file a Rule 15 motion seeking his deposition. Because it was taking some time for Mr. Fokin to engage such counsel, we moved forward and filed our Rule 15 motion before Mr. Fokin had engaged counsel.

4. I learned late last week that a retainer for Mr. Fokin's counsel had been finalized. Attorney Michael Nadler represents Evgeny Fokin.

5. I communicated with Mr. Nadler over the last several days and he informed me that he spoke with Mr. Fokin about the Rule 15 deposition.

6. Mr. Nadler represented that Mr. Fokin is unwilling to come to the United States and is willing to voluntarily appear for a Rule 15 deposition in a neutral country, and specifically mentioned the United Arab Emirates or Turkey.

7. Mr. Nadler stated that he expected Mr. Fokin would testify truthfully and consistently with what he stated during an interview this past summer with counsel for En+ (*see* Exhibit 2 to my principal declaration consisting of notes of the government's conversation with counsel for En+ relaying this interview).

8. Mr. Nadler further stated that Mr. Fokin is unwilling to come to the United States even with a limited purpose visa or safe passage given Mr. Fokin's distrust of the U.S. government, and cited to the treatment of Mr. Shestakov by the U.S. government in bringing this case.

9. Mr. Nadler also stated that he is working with Mr. Fokin to find dates in January 2025 for Mr. Fokin's deposition and will revert back on that issue.

10. I inquired via a July 9, 2024 email as to whether the government would agree to a Rule 15 deposition of Mr. Fokin.

11. I informed the U.S. Attorney's Office that the location of the deposition would be negotiated given Russian law and visa issues.

12. The U.S. Attorney's office responded to my request for their position on a Rule 15 deposition in a July 12, 2024 email, stating: "we think it makes sense for you to file a motion and we will consider our position after we've seen your arguments."

Dated: New York, New York  
December 17, 2024

/s/ Rita M. Glavin  
Rita M. Glavin